

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 20818 of 1999

Dated : 12-08-2005

Between:

G.J.Raju, son of S.N.U.R.R.C.Raju,

E.67624,Conductor,r/o.Visakhapatnam.

..... PETITIONER

AND

The Industrial Tribunal-cum-Labour Court,Visakhapatnam,rep. By its President
Officer and others

.....RESPONDENTS

THE HONOURABLE SRI JUSTICE C.V.RAMULU

W.P.NO. 20818 OF 1999

ORDER:

This writ petition is filed by the workman being aggrieved by the Award made in I.D.No.179 of 1994 dated 16-2-1998 on the file of the Industrial Tribunal-cum-Labour Court, Vishakapatnam, in so far as denying the past service and back wages, while granting reinstatement afresh.

There is no necessity to go into the details. It is suffice to notice that the workman was removed from the service of the Corporation on 28-7-1984 as a result of disciplinary proceedings launched against him. The appeal and the review petition filed by him were also rejected on 28-1-1985 and 21-5-1986 respectively. Having no other option, the workman approached the Labour Court and filed a petition under Section 2 A (2) of the Industrial Disputes Act, (in short 'the Act') raising the dispute and the Labour Court after appreciation of the entire evidence on record, came to the conclusion that the charges framed against the workman were proved, however, the punishment was disproportionate to that of the misconduct and therefore, directed fresh appointment while denying the past service and back wages.

I am of the opinion that the Labour Court has not committed any error in coming to the conclusion that the misconduct of issuance of tickets of lesser denominations and non-issue of tickets was proved. The Labour Court opined that the punishment was disproportionate to that of the misconduct and therefore, directed reinstatement of the workman afresh as Conductor in the category of Conductors by denying the back wages and other attendant benefits. The age of the petitioner is 51 years and he had put in almost eight years of service between 1976 to 28-7-1984. I am of the view that apart from the relief granted by the Labour Court, the service rendered by the petitioner from 1976 to 28-7-1984 could have been taken into consideration for the purpose of seniority and retiral benefits, otherwise, it would result in great financial loss to the workman.

In the result, the Award of the Labour Court is modified to be read as:

“The respondent-management is directed to reinstate the workman with continuity of service by counting service from 1976 to 28-7-1984 for the purpose of seniority and other benefits. However, the petitioner is not entitled to reckon the service between 28-7-1984 and to the date of reinstatement i.e. 20-11-1998. He is also not entitled for any attendant benefits such as notional increments etc. for the said period between 28-7-1984 and 20-11-1998. Further he is also not entitled for the benefit of the increments.”

The writ petition is accordingly disposed of . No order as to costs.

C.V.RAMULU,J

12-08-2005

Stp